



**PATENT APPLICATION**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akihiko Ebina et al.

Group Art Unit: 2829

Application No.: 10/052,255

Examiner: S. Geyer

Filed: January 23, 2002

Docket No.: 111778

For: METHOD OF MANUFACTURING SEMICONDUCTOR INTEGRATED CIRCUIT  
DEVICE INCLUDING NONVOLATILE SEMICONDUCTOR MEMORY DEVICES

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the May 21, 2003 Election of Species Requirement, Applicants  
provisionally elect Species A1/B2, with traverse.

Claims 1, 9 and 14 read on the elected Species. Applicants respectfully submit that  
claim 1 is currently generic.

The claimed inventions identified by the Election of Species Requirement are related.  
Thus, the Examiner has failed to provide a *prima facie* showing for the Election of Species  
Requirement. Specifically, the Examiner has not provided any explanation supporting the  
Requirement such as a separate classification, separate status in the art or a different field of  
search as defined in MPEP §808.02.

It is also respectfully submitted that the subject matter of all species is sufficiently  
related that a thorough search for the subject matter of any one species would encompass a  
search for the subject matter of the remaining species. Thus, it is respectfully submitted that  
the search and examination of the entire application could be made without serious burden.

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See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:JML/vgp

Date: June 4, 2003

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